



# MAYOR AND COUNCIL AGENDA

NO. *16* DEPT.: Community Planning and Development Services DATE PREPARED: 7/20/05  
STAFF CONTACT: Deane Mellander, Acting Chief of Planning FOR MEETING OF: 8/1/05

**SUBJECT:** Approval of Resolution: To approve Concept Plan Amendment CPD1999-0004A, Falls Grove: To allow a hotel of 125,000 to 150,000 square feet in lieu of a corresponding amount of office/R&D; permit office development in lieu of multi-family development on a residual multi-family residential parcel; allow a child care facility as an approved use in Falls Grove; transfer unused retail space from the Village Center to one of the neighboring parcels.

**RECOMMENDATION:** Approve resolution.

**DISCUSSION:** The amendment proposes several changes to the approved concept plan for the Falls Grove Comprehensive Planned Development. The first is to redesignate two sites in the Falls Grove development as suitable for hotel or office use on either side of Blackwell Road fronting on Shady Grove Road. Only one of the parcels could be used for a hotel. The hotel would be between 125,000 and 150,000 square feet, replacing an equal amount of office/R&D space.

The second part of the request is to allow office use on a small parcel (approximately 1.4 acres) of land at the intersection of Wood Hill Road and West Montgomery Avenue. This parcel is currently designated for multi-family use, but the maximum allowable amount of multi-family in Falls Grove has already been approved for construction.

The third part of the request is to include a child care facility, an institutional use, as an approved use within Falls Grove. Currently, the Falls Grove Concept Plan does not allow institutional uses, as defined in Section 25-643(5)a of the Code.

Finally, the applicant requests that they be allowed to locate approximately 20,000 square feet of retail that was not built with approved Village Center on one of the two aforementioned office parcels. This would be in the form of ground-floor retail space in the remaining office buildings, principally in the proposed building on Parcel B. The executed agreement between the condo associations and the applicant limits any one retail tenant to 3,000 square feet, and entrances have to front onto Shady Grove Road. No convenience stores are permitted.

As part of the consideration of this amendment, Falls Grove has offered to abandon and relinquish the ability to develop 75 residential units of the remaining 119 units currently still available to build per the concept plan. Since all of the approved multi-family has been committed, any new units must be either one-family attached or detached. This would result in a new total of 1,486 units which is a reduction of the currently approved total of 1,530.

The Mayor and Council discussed this item at their meetings on June 6 and July 18, 2005. At the end of the discussion on July 18, the Mayor and Council instructed staff to prepare the resolution reflecting the following changes:

Designate the maximum height of the hotel as 72 feet.  
Increase the amount of landscape buffering between Blackwell Road and the hotel parking lot.  
Allow the residents of the condominiums to utilize the hotel pool and recreational areas at all times the uses are available to hotel guests.  
Designate a site for a possible day care center.

**Boards and Commissions Review:** The Planning Commission considered this application at its meeting on April 13, 2005. The Commission voted 4-0 with 3 absent to recommend approval. Its recommendation is shown on Attachment 2.

**PREPARED BY:**



Deane Mellander, Planner III

**APPROVED BY:**



R. James Wasilak, AICP, Chief of Planning

7/22/05  
Date


**APPROVED BY:**



Arthur D. Chambers, AICP, Director, CPDS

7/25/05  
Date

**APPROVED BY:**



Scott Ullery, City Manager

7/27/05  
Date

**LIST OF ATTACHMENTS:**

1. Resolution of approval.
2. Location map

Resolution No. \_\_\_\_\_

RESOLUTION:

To amend Resolution 1-00 to  
approve a Concept Plan Amendment  
for Concept Plan CPD 99-0004;  
Falls Grove Development

WHEREAS, on February 22, 2000, the Mayor and Council approved Resolution No. 1-00 approving CPD 99-0004 (“Concept Plan Application”) for a comprehensive planned development on 253.94 acres, more or less, called the “Thomas Farm”, located west of Interstate 270 on the north side of Darnestown Road and east of Shady Grove Road, in accordance with the plans submitted under the Comprehensive Planned Development (“CPD”) Special Development Procedure Provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, the approved Concept Plan consists of Resolution No. 1-00 and all exhibits to Resolution No. 1-00 listed at Paragraph 1 thereof, including Exhibit 18, entitled “Land Use Plan” (“Approved Concept Plan”); and

WHEREAS, Resolution No. 1-00 approved office, residential and retail uses on certain designated areas; and

WHEREAS, on September 24, 2004, Falls Grove Associates (“Applicant”), filed amended Concept Plan Application CPD 1999-0004B (“Amendment Application”) to allow a hotel as an alternative use to office/R&D on Areas 5 or 6 as designated on the Land Use Plan; to allow office and R&D as an alternative use to multi-family on Area Q as designated on the Land Use Plan; to allow a child care facility as a permitted use within the Falls Grove development; and to allow the transfer up to the balance of unused retail space from the Village Center to the neighboring commercially designated parcels; and

WHEREAS, pursuant to Section 25-653 of the Zoning and Planning Ordinance, the Planning Commission at its meeting of April 13, 2005 reviewed the Amendment Application and

forwarded its recommendation of approval thereon to the Mayor and Council of Rockville by memorandum dated April 21, 2005; and

WHEREAS, Areas 5 and 6 are in close proximity to the Condominium Residences of Fallsgrove, consisting of four buildings known as Condominium Residence I of Fallsgrove; Condominium Residence II of Fallsgrove; Condominium Residence III of Fallsgrove; and Condominium Residence IV of Fallsgrove; collectively the "Condominium Residences", and

WHEREAS, SBG Office Group, LLC, an affiliate of Lerner Enterprises ("Developer/Applicant") and one of the entities comprising Fallsgrove Associates, and Condominium Residence I of Fallsgrove Inc., and Condominium Residences II of Fallsgrove, Inc. entered into an Private Agreement dated April 13, 2005, (the "Private Agreement") whereby Condominium Residences I and II agreed to support the Amendment Application subject to certain conditions; and

WHEREAS, the Private Agreement is part of the Record of the Amendment Application; and

WHEREAS, pursuant to Section 25-653 of the Zoning and Planning Ordinance, the Mayor and Council of Rockville gave notice that a public hearing on the Amendment Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on May 2, 2005, at 7:00 p.m., or as soon thereafter as it may be heard, at which time the parties in interest and citizens would have the opportunity to be heard; and

WHEREAS, on May 2, 2005, the Amendment Application came on for hearing at the time and place indicated in said notice; and

WHEREAS, the matter having been fully considered by the Mayor and Council, the Mayor and Council having decided that amendments to the Approved Concept Plan would promote the health, safety and general welfare of the citizens of Rockville, and the Mayor and Council further finding pursuant to Section 25-655 of the Zoning and Planning Ordinance, based upon Amended Concept Plan Application CPD 99-0004B, the Planning Staff Report, the Planning Commission Recommendation dated April 21, 2005, the Private Agreement, and the public hearing of May 2, 2005, as well as the remaining matters contained in the Record, that the development proposed in the Amendment Application subject to the conditions, limitations, additions and modifications set forth herein (the "Modified Amendment Application"):

1. *Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development.* The Modified Amendment Application will promote the mixed use nature of the existing development and the associated benefits thereof by allowing additional uses not currently permitted within the development. The hotel will provide a needed community resource. Pursuant to the Private Agreement, development of the alternative hotel use will result in the addition of twenty parking spaces for exclusive use of the adjacent condominium residents, thereby providing a direct benefit to these residents.

2. *Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development.* The Modified Amendment Application as conditioned by the Private Agreement, carefully prescribes the extent of development and site layout permitted for the alternative hotel use and the office use and provides for certain height, size, design, use and landscape limitations and requirements designed

to minimize any detrimental impact on adjacent uses within Fallsgrove. In accordance with the conditions of approval contained herein, the alternative hotel and office uses are lower in height and less dense than the heights and densities permitted on Areas 5 and 6, pursuant to the current approved Concept Plan. The respective office and hotel uses will require less parking and generate less trips than the permitted office uses on Areas 5 and 6. Development in accordance with the conditions for the alternative hotel on Area 6 will provide sufficient landscaping on Areas 5 and 6 to provide a buffer between the hotel and office uses and the adjacent neighboring properties.

3. *Will not be inconsistent with the intent or purpose of Division 5 of Article XII.* Development in accordance with the Modified Amendment Application will increase the amount of open space and have no affect on the common area or recreational facilities.

4. *Will not be inconsistent with the intent or purpose of Division 7 Article XII, or Article XII.* The Modified Amendment Application employs flexibility in design which is encouraged under Article XII to provide development in keeping with overall land use intensity and open space objectives.

5. *Will not overburden public services including water, sanitary sewer, public roads, storm drainage or other public improvements.* The proposed hotel will generate less trips and require less parking spaces than the currently permitted office use. Existing water, sanitary sewer, public roads and storm drainage capacity exists to serve the proposed development in accordance with the Modified Amendment Application.

6. *Complies with the development standards and requirements set forth in Division 7 of Article XII.* The proposed development pursuant to the Modified Amendment Application will continue to comply with the mandatory development standards of the CPD.

7. *Complies with any applicable development staging and adequate public facilities requirements included in the Concept Plan.* All of the required transportation improvements in accordance with the Concept Plan are completed or are in the process of being completed. Thus, the Modified Amendment Application complies with the applicable development staging and adequate public facilities requirements of the Concept Plan.

WHEREAS, although certain of the land use and development conditions and/or restrictions contained in the Private Agreement have been incorporated as conditions of approval of the Modified Amendment Application, the Mayor and Council of Rockville is not a party to the Private Agreement and bears no responsibility for enforcing the Private Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE that Concept Plan Application CPD1999-0004B as amended, be and the same is hereby approved, in accordance with the terms, conditions and limitations set forth and described herein.

#### **I. AMENDED CONCEPT PLAN**

A. All terms and conditions of Resolution No. 1-00 shall remain unchanged, and in full force and effect, except as specifically modified herein.

B. The approved Land Use Plan for the Concept Plan shall be modified as shown on Amended Exhibit 18 dated August 1, 2005 ("Land Use Plan") attached hereto.

## **II. ALTERNATIVE USES**

A. A child daycare facility is an approved use within Falls Grove subject to location approval by the Planning Commission. In the event the land located at the corner of Darnestown Road and Shady Grove Road is not required to be dedicated for the extension of Wooten Parkway or for any other purpose, the Applicant agrees to set aside a portion of said land for sale to a child daycare facility.

B. Up to 14,000 square feet of unused retail space from the Village Center may be transferred at the Applicant's option to Areas 5 and 6 as designated on the Land Use Plan; provided however that if Area 6 develops with a hotel use none of the 14,000 square feet shall be transferred to Area 6 and the retail uses on Area 5 must be subject to the limitations set forth in Condition 2 of paragraph E of this Resolution.

C. Up to 35,000 square feet of office development is permitted on Area Q, also known as the Wood Hill Road Parcel, as an alternative use in lieu of the multi-family development designated on the Land Use Plan.

D. A hotel use is permitted on Area 6 as an alternative use in lieu of a corresponding amount of approved office/R&D square footage, subject to the following limitations:

1. The height of the Hotel on Area 6 must be limited to 6 stories, not to exceed 72 feet.
2. Nighttime security for the Hotel must be provided. The Hotel staff must be made aware of the citizens concerns and be available 24 hours a day, 7 days a week to address



any situation that may arise. As provided for in the Private Agreement, every effort will be made to assure that the parking area remains quiet after hours, with any problems or complaints to be handled immediately by the Hotel manager on duty. Consistent with the Private Agreement, this issue shall be the responsibility of the Applicant and not the City of Rockville.

3. Hotel meeting rooms will be limited in size not to exceed a total of 3,000 square feet.

4. No ancillary retail establishments, other than what is usual and customary in lobby shops associated with limited service hotels will be allowed in the Hotel. The restaurant and bar area within the Hotel will primarily serve the guests and invitees of the Hotel.

5. Every effort will be made, including signage as allowed by law, to preclude anyone associated with the Hotel from parking on Blackwell Road. At the Detailed Application stage, the Planning Commission may restrict all individuals associated with the Hotel from parking on Blackwell Road, if deemed appropriate.

6. The residents of the Condominium Residences will continue to have the opportunity to be involved in the review of Hotel plans prior to and during the Detailed Plan Application process. The Developer/Applicant will notify the presidents of each of the association boards of directors of the Condominium Residences when information is ready for their review.

7. The residents of the Condominium Residences will be permitted to use the Hotel pool and exercise facility free of charge, during the hours that such facilities are available to the Hotel guests.

8. The following must be provided if required by the Planning Commission in connection with its review of the Detailed Application for Area 6:

a. Signage on the side of the Hotel facing Blackwell Road will be subdued and placed in locations to make it less obtrusive. Subject to the City of Rockville Sign Ordinance, building signage on the side of the Hotel facing Blackwell Road will be as shown on attached Attachment "A" and may be illuminated (not flashing, single channel internally illuminated and or rear illuminated (halo style) letters). Monument signage may be erected at the entrance to the Hotel closest to Shady Grove Road or on Shady Grove Road.

b. Landscaping along Blackwell Road on the side of the Hotel will be enhanced to offer a more attractive view for the residents of the Condominium Residences, as shown on Attachment "B".

c. The Landscape Area along the Blackwell Road frontage of Area 6 between the two driveway entrances to the Hotel shall be widened, where possible, to approximately 25 feet as measured from the Blackwell Road curb to the Hotel parking lot curb, to accommodate street trees; supplemental evergreen plantings; and a berm not to exceed two feet in height, if determined feasible by Staff, taking into account the long term viability of the plantings to provide a year round visual buffer. Specifications for the landscaped area to be determined by City Staff in connection with review and approval of the Detailed Application.

d. Entrances into the Hotel parking lot will be placed on Blackwell Road on the one end, as close to Shady Grove Road as possible and on the other end, as close to

the property line as is possible, as shown on Attachment "B". Entrance shall be placed to cause the least amount of interference with traffic along Blackwell Road.

e. The Hotel dumpster must be located out of sight from Blackwell Road. It will be screened from view and will be located at the rear of the Hotel along the southern property line, as shown on Attachment "B", with the approval of the City.

E. In the event Area 6 is developed as a hotel, the following conditions will apply to the office development on Area 5:

1. The height of the office building on Area 5 must not exceed five stories.
2. The parking garage on Area 5 must not exceed two and one half levels above grade level, with any additional levels to be below grade.
3. Developer/Applicant will pursue efforts to locate on Shady Grove Road an entrance into and/or an exit out of the parking structure on Area 5.
4. The amount of retail space in the office building on Area 5 as designated on the Land Use Plan must be limited to 19,000 square feet in total.
5. The final architectural design of the office building and parking structure on Area 5 as designed on the Land Use Plan will be submitted to the presidents of each of the association boards of directors of Condominium Residences for their review, prior to and during the Detailed Application process.
6. The following must be provided if required by the Planning Commission in connection with its review of the Detailed Application for Area 5:

a. The parking garage on Area 5 must be screened with a 3 to 7 foot berm (to the maximum extent feasible) and landscaped with evergreens. A lattice-work and evergreen arrangement to be approved in connection with the Detailed Application must be installed along the edge of the garage roof line and in between the floors of the parking garage on the side facing Wood Hill Road.

b. No entrance for the office building or parking structure on Area 5 will be located on Wood Hill Road. The only entrance on Wood Hill Road for Area 5 will be for the 20 space surface parking lot.

c. Public access to the retail/restaurant uses in the office building on Area 5 will be from entrances oriented toward Shady Grove Road only (with the corner spaces having emergency access points on the sides of the building if required by code).

F. Provided that the Developer/Applicant develops a Hotel on Area 6, the development of the Hotel on Area 6, the office on Area 5 and the office on Area Q will be subject to the following conditions:

1. The residents of the Condominium Residences will be provided with an opportunity to review all parking area site lighting proposals prior to and during the Detailed Application process for compliance with the Private Agreement. This includes lighting in the Hotel parking lot and in the office building parking structure on Area 5. The Developer/Applicant will notify the presidents of each of the association boards of directors of the Condominium Residences when information is ready for their review.

2. Prior to the commencement of any work pursuant to an approved Detailed Application on any of the buildings in Areas 5 or 6 as designated on the Land Use Plan, work shall commence on the expansion of the brick/wrought iron wall-fence along certain identified sections of the perimeter of the Condominium Residences in several areas marked on Attachment "C", and work shall commence on the installation of the wrought-iron traffic gates at the entrances to the Condominium Residences. The design of said gates shall be developed in cooperation with the boards of directors of the Condominium Residences and all at no cost to the Condominium Residences or its residents. Installation of the aforesaid traffic gates and wrought iron fence will be completed as expeditiously as possible. Maintenance responsibility for the fence will be as provided for in the Private Agreement.

3. The Planning Commission may authorize, as part of its approval of a Detailed Application for the office on Area 5 or Hotel on Area 6, construction for an additional parking lot for 20 vehicles on Area 5 between the parking garage and Wood Hill Road for the exclusive use of the residences of the Condominium Residences and/or their guests or otherwise. Construction of such approved parking lot will be completed as expeditiously as possible. All liability associated with the use of the lot, lighting, maintenance and repairs, and snow removal will be the responsibility of the Developer/Applicant.

4. Parking Lot lighting for Areas 5, 6, and Q must be downward directed lighting at the lowest possible candlelight that assures public safety concerns and no less than is required by code.

### **III. DEVELOPMENT OPTIONS**

The Land use alternatives set forth herein and on the Land Use Plan as shown on Amended Exhibit 18 present development options, and approval of the Resolution shall in no way be construed as a requirement for the development of a particular use on a given site; except in the event the parcel of land at the corner of Shady Grove Road and Darnestown Road is not required to be dedicated, in which case a portion of that land shall be developed, if at all, to accommodate a child daycare facility.

### **IV. PRIVATE AGREEMENT**

The approvals and conditions set forth herein under this Concept Plan Amendment Resolution in no way relieve the Developer/Applicant and Condominium Residents from their respective obligations, rights, responsibilities and benefits set forth under the Private Agreement.

\* \* \* \* \*

Resolution No. \_\_\_\_\_

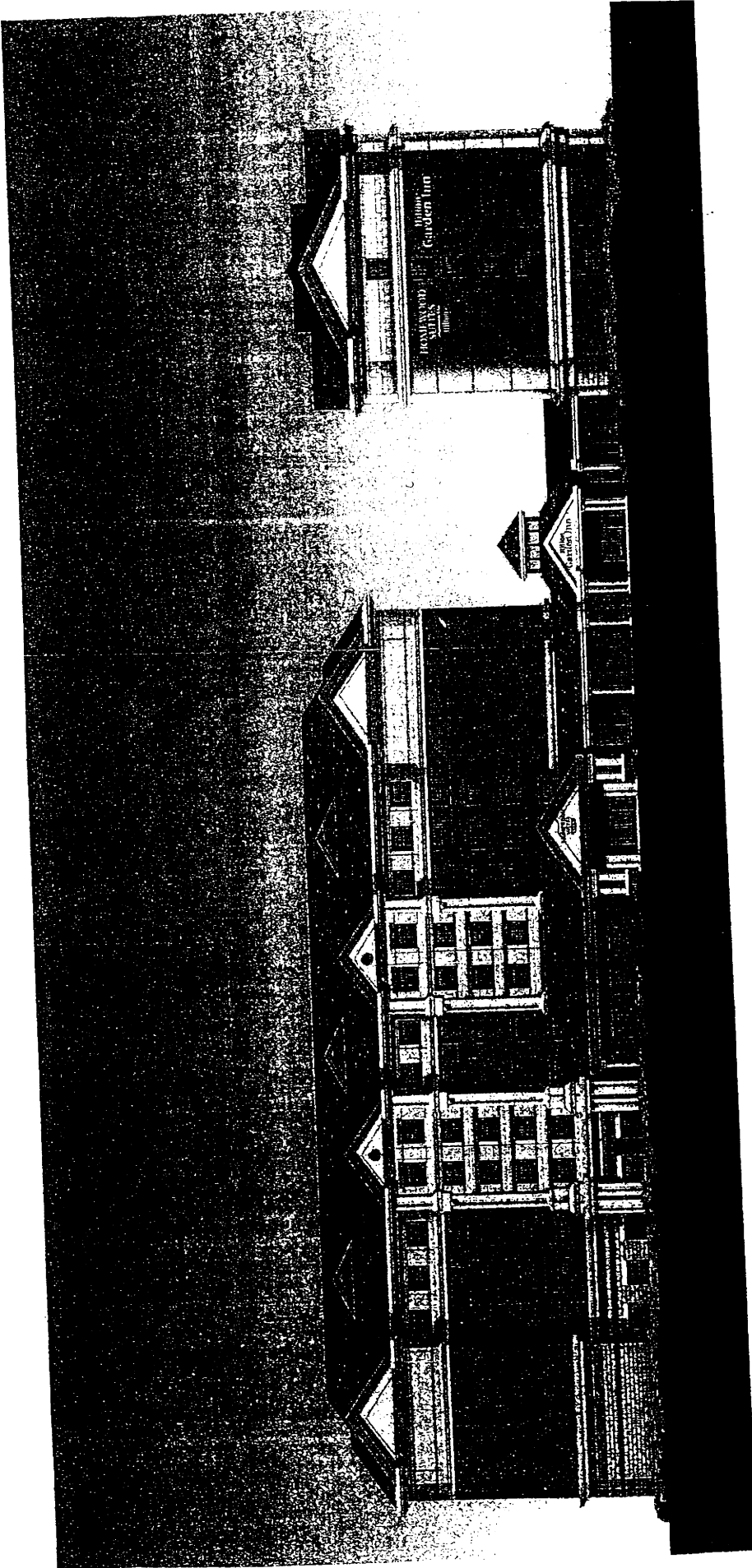
13

I HEREBY CERTIFY that the foregoing is a true and correct copy  
of a Resolution adopted by the Mayor and Council at its meeting of  
August \_\_, 2005.

\_\_\_\_\_  
Claire F. Funkhouser, City Clerk

July 28, 2005

# 2952550\_v5



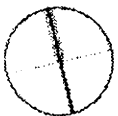
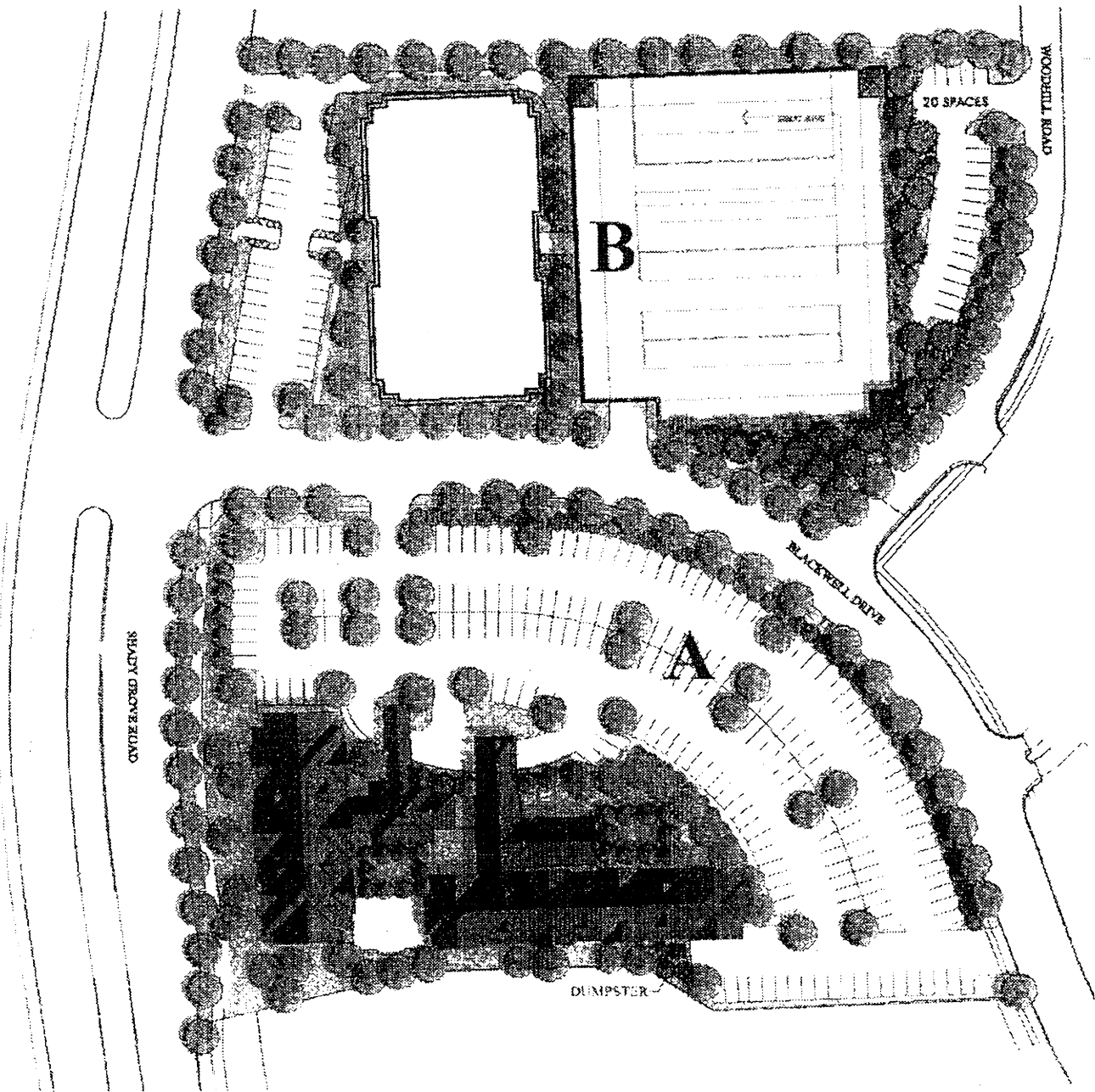
HILTON GARDEN INN / HOMEWOOD SUITES  
ROCKVILLE, MARYLAND  
HOMEWOOD SUITES FRONT ELEVATION



GORDON & GREENBERG  
ARCHITECTS




Attachment "A"





0' 50' 100' 200'

LEGEND

-  CANOPY TREES
-  EVERGREEN TREES
-  ORNAMENTAL TREES

**LERNER**

**PARKER RODRIGUEZ, INC.**  
 URBAN DESIGN LANDSCAPE ARCHITECTURE  
1400 N. GARDEN ST. SUITE 200 • ALHAMBRA, CA 91801 • (626) 444-1111 • FAX (626) 444-1112

15

Attachment "B"

BLACKWELL DRIVE

WOODHILL ROAD

FALLS GROVE DRIVE

DENOTES AREA OF PROPOSED FENCE.

Attachment "C"

Existing and Proposed Fallsgrove  
Non-residential Development -  
Proposed CPD Amendment with  
Past Approvals & Expected  
New Development

Shady Grove Medical  
55,060 s.f. office

Parcel B  
Prop. 5-story office  
150,000 s.f.

Parcel C  
Prop. 30,000 s.f. office

Prop. ASLHA  
212,500 s.f. office

Parcel A  
Prop. Hotel  
150,000 s.f.

OUT

Uncommitted

Lerner Office  
210,981 s.f. office  
2,500 s.f. retail  
(expired)

Fallsgrove Non-residential  
Development Area

Village Center  
137,192 s.f. retail  
75,000 s.f. office